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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,772	06/26/2003	Eran Steinberg	FN102-E	8147
30349	7590	09/12/2007	EXAMINER	
JACKSON & CO., LLP 6114 LA SALLE AVENUE #507 OAKLAND, CA 94611-2802			SETH, MANAV	
			ART UNIT	PAPER NUMBER
			2624	
			NOTIFICATION DATE	DELIVERY MODE
			09/12/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/608,772

Applicant(s)

STEINBERG ET AL.

Examiner

Manav Seth

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) 5-28 and 33-60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/13/04, 1/20/04, 6/20/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Restriction Requirement

1. The response to restriction requirement received on June 06, 2007 has been entered in full.
2. Applicant in the response to restriction requirement as filed elects only Group I for examination without traverse and as per the applicant's election, only Group I claims have been examined herein.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Calia U.S. Patent No. 5,450,504.

Regarding claim 1, Calia discloses identifying a group of pixels that corresponds to a face within a digital image (figure 3, col. 4, lines 15-25, Calia discloses a method and system to detect faces in images and then find a target image in the database by comparing the faces and apparently a system can only detect a face by detecting the pixels associated to the face),

Calia further discloses identifying one or more sub-groups of pixels that corresponds to one or more facial features of the face (col. 4, lines 15-25, col. 5, lines 33 – 68 through col. 7, lines 1-30 – system identifying pixels of facial features such as eyes and nose),

Calia further discloses determining initial values of one or more parameters of pixels of the one or more subgroups of pixels (col. 5, lines 49-51, col. 6, lines 40-60, determining initial values of black and white pixels related to eye),

Calia further discloses determining an initial spatial parameter of the face within the digital image based on the initial values (col. 5, lines 33 – 68 through col. 7, lines 1-30 – teaches using facial feature's initial pixel values to determine head tilt where head tilt (col. 7, lines 25-30) apparently defines the face orientation (where tilt or orientation being the spatial parameter)),

Calia further discloses determining adjusted values of pixels within the digital image for adjusting the image based on a comparison of the initial and desired spatial parameters (Calia discloses performing geometrical transformation and intensity transformation to adjust the image from the initial spatial parameter to the desired spatial parameter where the desired spatial parameter being the same as the spatial parameters of the target image – col. 8, lines 44-68 through col. 9, lines 1-35).

Regarding claim 2, the subject matter of this claim has been addressed in the rejection of claim 1 and therefore, claim 2 has been similarly analyzed and rejected as per claim 1.

Regarding claim 3, Calia discloses automatically adjusting the values of pixels within the digital image to adjust the initial spatial parameter approximately to the desired spatial parameter (col. 15, lines 65-67 – no human in the loop).

Regarding claim 4, Calia discloses automatically providing an option for adjusting the values of the pixels within the digital image to adjust the initial spatial parameter to the desired spatial parameter (col. 15, lines 62-68 through col. 16, lines 1-20).

Claims 29-32 have been similarly analyzed and rejected as per claims 1-4. Further see Calia (col. 16, lines 23-62).

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teaching for the art and are applied to the specific limitations within the individual claim, other passages and figures may applied as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potential teaching all or part of the claimed invention, as well as the context of the a passage as taught by the prior art or disclosed by the examiner.

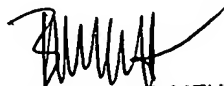
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manav Seth whose telephone number is (571) 272-7456. The examiner can normally be reached on Monday to Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manav Seth
Art Unit 2624
September 3, 2007



BHAVESH M MEHTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600